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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,665	07/18/2003	Frankie D. Grimmett	034856.000002	3831

7590 09/24/2004

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EXAMINER

PETRAVICK, MEREDITH C

ART UNIT PAPER NUMBER

3671

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,665

Applicant(s)


GRIMMETT ET AL.

Examiner

Meredith C Petravick

Art Unit

3671



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/18/2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 8 and 15 are objected to because of the following informalities:

Claim 8, line 7, "brake" should be --rake--.

Claim 15, line 7, "brake" should be --rake--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6, 8-10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter 2,681,519 in view of Giliberti 5,088,855, cited by applicant.

Potter discloses an apparatus for grooming ground including:

- a frame with a set of wheels (17), a tongue (50), a longitudinal beam (8) and a transverse beam (4)
- a rake bar (21 and 22)
- a pair of rake bar arms (44, 46)
- a rake bar latch (30)

The rake bar arms are pivotally secured to opposite sides of the longitudinal beam through the frame and secured forward of the wheels. The rake bars arm swing about a pivot point to move the rake bar to a storage position beneath the frame.

Potter also discloses providing a rear attachment (69) that is pivotally mounted (Fig. 4) for adjustment to the transverse beam (4) by an arm (71). This device further grooms the area (Column 4, lines 5-23) to finish the surface.

However, Potter fails to disclose the rear attachment being a broom that can pivot to a position above the longitudinal beam for storage.

Like Potter, Giliberti discloses an apparatus of working the ground. Unlike Potter, Giliberti discloses providing a broom (86) at the rear of the apparatus for finishing the ground surface. The broom is mounted so that it can be pivoted to a storage position above the device when not in use (Column 6, lines 6-12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the rear attachment in Potter a broom and to make it pivot into a storage position as in Giliberti, as one commonly known alternate for a finishing attachment on a ground grooming apparatus.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 7, 11, 13, 14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter in view of Giliberti as applied to claims 1, 8 and 15 above and further in view of Scheunemann 2,186,658.

The combination above discloses the device described above and discloses that the rake bar has a blade mounting bar (Potter 21) and a blade (Potter 22). However, the combination does not disclose the blade being replaced by a plurality of interchangeable blades having serrations or tines and does not disclose providing an additional identical rake blade on the device.

Like the combination, Scheunemann discloses an apparatus for grooming ground that has blades (10, 11) attached to blade bars (5, 6, 7). Unlike the combination, Scheunemann teaches providing multiple rake bars on the device (Fig. 1). Also, Scheunemann discloses that it is desirable to make the blade edges flat, serrated or tined (Column 61-73) so that the different edges can be used in different working conditions.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an additional identical rake blade on the frame of the combination as taught in Scheunemann, in order to increase efficiency and to make the blade of the rake bar in the combination a plurality of rake bars with different edges as in Scheunemann, in order to increase versatility by using the apparatus in different working conditions.

6. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter in view of Giliberti as applied to claims 1 and 8 above, and further in view of Wilson 3,814,190.

The combination discloses the apparatus described above. However, the combination does not disclose providing weight plates selectively on the rake bar.

Like the combination, Wilson discloses an apparatus for working the surface of the ground. Unlike the combination, Wilson discloses providing weight plates (Column 2, lines 4-26).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the rake bar of the combination with weight pates as in Wilson, in order to facilitate moving the earth.

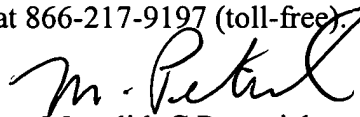
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C Petravick whose telephone number is 703-305-0047. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B Will can be reached on 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Meredith C Petravick
Patent Examiner
Art Unit 3671

September 21, 2004